

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, MD
(240) 777-6600

CASE NO. S-2581

PETITION OF ENTERPRISE LEASING COMPANY

OPINION OF THE BOARD

(Public Hearing Date: September 3, 2003)

(Record Closed: September 15, 2003)

(Effective Date of Opinion: October 16, 2003)

Case No. S-2581 is an application for a special exception pursuant to Section 59-G-2.07 (Automobile, Light Truck and Light Trailer Rentals, Outdoor) of the Zoning Ordinance to permit the outdoor storage of rental vehicles as part of a proposed rental car business operating from a pre-existing building.

Pursuant to the authority contained in Section 59-A-4.125 of the Montgomery County Code, the Board referred the application to the Hearing Examiner for Montgomery County to conduct a public hearing. The Hearing Examiner conducted a hearing on the request on September 3, 2003, at which time evidence and testimony was submitted to the Hearing Examiner in support of the petition.

The Board of Appeals received a Report and Recommendation in the above-captioned case, dated September 29, 2003, from the Hearing Examiner for Montgomery County. The Hearing Examiner finds that the special exception application satisfied all of the general and specific standards for the use.

Decision of the Board:	Requested Special Exception Granted subject to conditions enumerated below
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The subject property is Parcel N530, Fox Chapel Shopping Center Subdivision, located at 19801 Frederick Road, Germantown, Maryland, in the C-1 (Convenience Commercial) Zone.

The Board of Appeals considered the Hearing Examiner's Report and Recommendation at its Worksession on October 15, 2003. The Board of

Appeals voted to adopt the Hearing Examiner's Report and Recommendation, and finds that the special exception can be granted subject to the following conditions:

1. Petitioner shall be bound by its testimony and exhibits of record, including Exhibit No. 31(a), the Final Revised Site Plan; Exhibit No. 31(b), the Final Revised Landscape and Lighting Plan; the testimony of its witnesses and representations of its attorney, to the extent that such evidence and representations are identified in the Hearing Examiner's Report and Recommendation and in the opinion of the Board.
2. Petitioner shall paint striped lines and/or better define parking space no. 3 to ensure that the parallel space is not used for perpendicular parking in violation of the required 15-foot setback.
3. The hours of operation shall be 7:00 a.m. to 7:00 p.m., Monday thru Friday, 8:00 a.m. to 1:00 p.m. on Saturdays, and closed on Sundays.
4. The total number of employees on site at any one time shall be no more than eight (8).

On a motion by Louise L. Mayer, seconded by Angelo M. Caputo, with Allison Ishihara Fultz and Donald H. Spence, Jr., Chairman in agreement, the Board adopted the following Resolution:

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that the opinion stated above is adopted as the Resolution required by law as its decision in the above-entitled case.

Donald H. Spence, Jr.
Chairman, Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 16th day of October, 2003.

Katherine Freeman
Executive Secretary to the Board

NOTE:

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date the Opinion is mailed and entered in the Opinion Book (See Section 59-A-4.63 of the County Code). Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County, in accordance with the Maryland Rules of Procedure.